

FOR MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

SEP 23 6 53 PM '05

In the Matter of)

DISPATCH

Implementation of the Local Competition)
Provisions of the Telecommunications Act of 1996)

CC Docket No. 96-98

ORDER**Adopted: September 21, 2005****Released: September 21, 2005**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION AND BACKGROUND

1. In this Order, the Wireline Competition Bureau, on its own motion, grants a temporary limited waiver of sections 51.325 through 51.335 of the Commission's rules to the extent described herein to provide BellSouth and other affected incumbent LECs the necessary flexibility to effectively restore telecommunications services in the area affected by Hurricane Katrina.¹ These provisions require advance notification and waiting periods before certain incumbent local exchange carriers' (LECs) network changes can be made. Under current circumstances, requiring compliance with these rules would impede restoration efforts and delay recovery, and therefore waive these requirements in the affected areas for 180 days from the release of this Order.

2. The effect of Hurricane Katrina on Louisiana, Mississippi, and Alabama (the Gulf Coast), and the subsequent flooding of New Orleans and other Gulf Coast areas, are well known at this time. While damage to outside plant facilities was severe, unprecedented damage also occurred to central office equipment. While the loss of central office switching capability has been rare, we understand that the storm resulted in the loss of service to as many as 24 BellSouth central offices with many of those still out of service today. Restoration efforts may involve a variety of network rearrangements, the exact nature of which will not be known until all the damage has been completely surveyed and assessed.

II. DISCUSSION

3. Section 1.3 of the Commission's rules authorizes the Commission to suspend, revoke,

¹ 47 C.F.R. §§ 51.325-51.335. On Monday, August 29, 2005, President Bush issued Major Disaster Declarations for Louisiana, Mississippi, and Alabama. See <http://www.fema.gov/news/disasters.fema>. The relief granted in this Order is limited to the affected areas described in the August 29, 2005 Major Disaster Declaration. We recognize that President Bush also issued a Major Disaster Declaration for the state of Florida on August 28, 2005. We do not extend the relief granted in this Order to carriers operating in the state of Florida, because the telecommunications infrastructure in Florida apparently was not subject to the same level of destruction as was the infrastructure in parts of Louisiana, Mississippi, and Alabama.

amend or waive a Commission rule for good cause shown.² Here, Hurricane Katrina caused substantial damage to telecommunications network facilities. Restoring full telecommunications service in the areas affected by the hurricane as quickly as possible is a critical component in the overall recovery operation in the Gulf Coast region. Thus, there is good cause to enable incumbent LECs to make the necessary changes to their networks as quickly as possible to restore the flow of telecommunications traffic throughout the hurricane damaged area.³ Normally, the types of network changes anticipated are governed by the Commission's notice of network change requirements as codified in sections 51.325 through 51.335 of the Commission's rules.⁴ These provisions require advance notification and waiting periods before network changes can be made.

4. We find it appropriate to waive the prior notice and waiting period sections of the Commission's network change regulations. This waiver shall be limited in both time and scope. Specifically, we grant this temporary waiver for a period of 180 days. Moreover, the waiver is limited to only those advance notice and waiting period requirements associated with network changes that are a direct result of damage to incumbent LEC network infrastructure caused by the hurricane. During the period covered by this waiver, incumbent LECs must continue to comply with section 51.325(a) and must communicate with other carriers to ensure that such carriers are aware of any changes being made to their networks that may impact their operations. Should any incumbent LEC need additional relief beyond the

² 47 C.F.R. § 1.3. This rule provides that "[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown." *Id.*

³ Some examples of the types of changes which can be anticipated are as follows: (a) in cases where a central office may be completely out of service, the most expedient restoration plan may involve serving customers in that central office area via subscriber line carrier facilities from an adjacent wire center; and (b) there may be changes in tandem homing arrangements required to ensure efficient routing of calls through the network.

⁴ 47 C.F.R. §§ 51.325-51.335; see also *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996).

expiration of this waiver, we would expect that incumbent LEC to request such authority accompanied by a status report addressing its progress and indicating when it expects to resume compliance with these requirements.

III. ORDERING CLAUSE

5. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i), 5, and 251(c)(5) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155, and 251(c)(5) and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, BellSouth and other affected incumbent local exchange carriers ARE GRANTED a limited waiver of sections 51.325-51.335 of the Commission's rules, 47 C.F.R. §§ 51.325-51.335, as described above, for network changes related to the repair and restoration of facilities affected by Hurricane Katrina. This authority expires 180 days from the release date of this Order.

FEDERAL COMMUNICATIONS COMMISSION



Thomas J. Navin
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